

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

KIMBERLY FARLEY, *on behalf of herself*
and all others similarly situated,

Plaintiff,

v.

1:22-CV-468

EYE CARE LEADERS HOLDINGS, LLC,

Defendant.

ORDER APPOINTING INTERIM CO-LEAD COUNSEL

This matter is before the Court on Plaintiffs' Motion for Appointment of Interim Co-Lead Counsel in this and other consolidated cases. *See* Doc. 23 (order consolidating 22cv468, 22cv502, 22cv503). Upon consideration, for good cause shown, and in its discretion, and subject to further order when a motion for class certification is filed, on motion by any party, or *sua sponte*, it is **ORDERED** that:

1. The Motion to appoint co-lead counsel, Doc. 8, is **GRANTED**.
2. The Court **APPOINTS** Gary M. Klinger of Milberg Coleman Bryson Phillips Grossman, PLLC, Jean S. Martin of Morgan & Morgan Complex Litigation Group, and Gary E. Mason of Mason LLP as Interim Co-Lead Counsel. Interim Co-Lead Counsel **SHALL** assume responsibility for the following duties during all phases of this litigation, subject to further order of the Court:
 - a) Coordinating the work of preparing and presenting all of Plaintiffs' claims and otherwise coordinating all proceedings, including organizing and supervising the efforts of Plaintiffs' counsel in a manner to ensure that Plaintiffs' pretrial preparation

is conducted effectively, efficiently, expeditiously, and economically;

- b) Delegating work responsibilities and monitoring the activities of all Plaintiffs' counsel in a manner to promote the orderly and efficient conduct of this litigation and to avoid unnecessary duplication and expense;
- c) Calling meetings of Plaintiffs' counsel for any appropriate purpose, including coordinating responses to questions of other parties or of the Court, and initiating proposals, suggestions, schedules, and any other appropriate matters;
- d) Determining (after consultation with other co-counsel as may be appropriate) and presenting (in briefs, oral argument, or such other fashion as he or his designee may deem appropriate) to the Court and opposing parties the position of the Plaintiffs on all matters arising during pretrial (and, if appropriate, trial) proceedings;
- e) Serving as the primary contact for all communications between Plaintiffs and Defendant, and acting as spokespersons for all Plaintiffs vis-à-vis Defendant and the Court;
- f) Directing and executing on behalf of Plaintiffs the filing of pleadings and other documents with the Court;
- g) Appearing at all court hearings and conferences regarding the case as most appropriate for effective and efficient representation, and speaking for Plaintiffs at all such hearings and conferences;
- h) Receiving and initiating communication with the Court and the Clerk of the Court (including receiving orders, notices, correspondence, and telephone calls) and dispensing the content of such communications among Plaintiffs' counsel;
- i) Initiating and conducting discussions and negotiations with counsel for Defendant on all matters, including settlement;
- j) Negotiating and entering into stipulations with opposing counsel as necessary for the conduct of the litigation;
- k) Initiating, coordinating, and conducting all discovery on Plaintiffs' behalf and ensuring its efficiency;

- l) Selecting, consulting with, and employing experts for Plaintiffs, as necessary;
- m) Encouraging and enforcing efficiency among all Plaintiffs' counsel;
- n) Assessing Plaintiffs' counsel for the costs of the litigation;
- o) Preparing and distributing periodic status reports to the Court and to the parties as ordered;
- p) Developing and recommending for Court approval practices and procedures pertaining to attorneys' fees and expenses as further detailed below and, on an ongoing basis, monitoring and administering such procedures. At such time as may be appropriate, Co-Lead Counsel also will recommend apportionment and allocation of fees and expenses subject to Court approval; and,
- q) Performing such other duties as are necessary in connection with the prosecution of this litigation or as may be further directed by the Court.

3. Settlement Discussions:

Any discussions of a settlement of this litigation **SHALL** be conducted by Interim Co-Lead Counsel and any counsel designated by Interim Co-Lead Counsel.

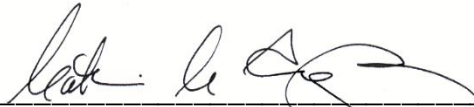
4. Proposed Agendas

In advance of any court hearing, including status or scheduling conferences, Interim Co-Lead Counsel and Defendant's counsel **SHALL** meet and confer about matters appropriate for discussion at the hearing or conference for the conference. Unless otherwise ordered, no later than two calendar days before the hearing or conference Interim Co-Lead Counsel and Defendant's counsel **SHALL** file a joint notice listing such items and, for any matters not fully briefed, stating the parties' joint and/or respective positions.

5. Application of this Order

This Order applies to all actions included in these consolidated matters and, subject to reconsideration, to any subsequently consolidated actions. Upon becoming aware of any lawsuit filed in the Middle District of North Carolina after this Order is entered and that is related to these consolidated cases, Interim Co-Lead Counsel **SHALL** serve a copy of this Order and all future orders promptly by overnight delivery service, facsimile, or other expeditious electronic means on counsel for Plaintiffs in the new related case.

This the 3rd day of October, 2022.



UNITED STATES DISTRICT JUDGE